

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DARRIN L. JAMES, Sr.,

Plaintiff,

v.

Civ. No. 07-00128 JB/RLP

CURRY COUNTY DETENTION CENTER, *et al.*,

Defendants.

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION¹

1. On February 5, 2007 Plaintiff filed his Civil Rights Complaint pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, violations of the Eighth Amendment for placing him in segregated lockdown as cruel and unusual punishment. One month later, he filed his Petition for Injunctive Relief, alleging that he had been placed in a small cell kept at 40 degrees Ferenheit.

2. On March 14, 2007, Plaintiff notified the Court of his change of address, see Docket 10, indicating that he had been moved to a facility in Los Lunas, New Mexico.

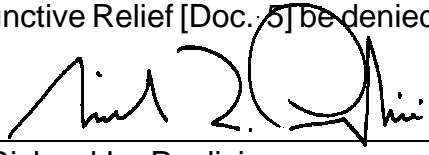
3. Plaintiff's removal from the Curry County facility to the Los Lunas facility moots his Petition for Injunctive Relief. See *Mitchell v. Estrada*, 2007 WL 475822, * 4 (10th Cir. 2007) (unpublished decision) ("An inmate's transfer from a prison facility generally moots claims for declaratory and injunctive relief related to conditions of confinement.")(citing *Green v. Branson*, 108 F.3d 1296, 1299-1300 (10th Cir. 1997)). See

¹ Within ten (10) days after a party is served with a copy of the Magistrate Judge's Report and Recommendation that party may, pursuant to 28 U.S.C. § 636 (b)(1) , file written objections in the United States District Court to the Report and Recommendation. A party must file any objections within the ten-day period allowed if that party wants to have appellate review of the Report and Recommendation. If no objections are filed, no appellate review will be allowed.

also *Pharmanex, Inc. v. HPF, LLC*, 221 F.3d 1352, 2000 WL 703164, * 2 (10th Cir. 2000) (unpublished decision) (“A claim is moot when there is no reasonable expectation that the alleged violation will recur and interim relief or events have eradicated the effects of the violation in question.”). Accordingly, I recommend that the Petition for Injunctive Relief be denied.

RECOMMENDED DISPOSITION

I recommend that Plaintiff’s Petition for Injunctive Relief [Doc. 5] be denied as moot.



Richard L. Puglisi
United States Magistrate Judge